



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,925	12/14/2000	Carl Dionne	1561-63	5812
23117 7590 11/15/2007 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER MANIWANG, JOSEPH R	
			ART UNIT 2144	PAPER NUMBER
			MAIL DATE 11/15/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/735,925	Applicant(s) DIONNE ET AL.	
	Examiner Joseph R. Maniwang	Art Unit 2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

2. Claims 23-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Hacherl (U.S. Pat. No. 6,324,571).
3. Regarding claims 23, 29, 35, 36, and 37, Hacherl disclosed a method and system for sharing data over a network having a plurality of network-connected terminals, comprising a data object that contains data (see column 3, lines 40-43; column 6, lines 27-41) and that is duplicated to each of said other network-connected terminals, such that there exists within the network a set of duplicated data objects (see column 3, lines 16-18; column 7, lines 58-62; column 8, lines 42-44); and periodically providing over said network an update of the data contained in said data object (see column 3, lines 18-19; column 5, lines 25-29; column 7, lines 38-57; column 8, lines 45-52), for said set of duplicated data objects, storing information as to which of said data objects is a master data object that is responsible for maintaining consistency between the data in the data objects in said set, wherein any of said duplicated data objects in the set may be a master data object (see column 3, lines 6-13; column 8, lines 12-13), and when the terminal that maintains said master data object becomes unavailable, determining which of said data objects in the set should be master data object and

Art Unit: 2144

establishing said data object as master data object (see column 8, lines 21-29; column 9, lines 58-65).

4. Regarding claims 24, 30, and 38, Hacherl disclosed the method and system wherein said instructions to maintain data consistency between duplicated objects monitor CPU usage and network bandwidth utilization (see column 11, lines 34-65; column 13, lines 20-30).

5. Regarding claims 25, 31, and 39, Hacherl disclosed the method and system wherein a terminal becomes unavailable when its CPU usage exceeds a threshold (see column 11, lines 34-65; column 13, lines 20-30).

6. Regarding claims 26, 32, and 40, Hacherl disclosed the method and system wherein a terminal becomes unavailable when its bandwidth utilization exceeds a threshold (see column 11, lines 34-65; column 13, lines 20-30).

7. Regarding claims 27, 33, and 41, Hacherl disclosed the method and system wherein a terminal becomes unavailable when it is switched off (see column 11, lines 34-65; column 13, lines 20-30).

8. Regarding claims 28, 34, and 42, Hacherl disclosed the method and system wherein a terminal becomes unavailable when its connection to the network is lost (see column 11, lines 34-65; column 13, lines 20-30).

Response to Arguments

9. Applicant's arguments filed 09/04/07 have been fully considered but they are not persuasive.

Art Unit: 2144

10. Regarding claims 23-42 rejected under 35 U.S.C. 102(e) as being anticipated by Hacherl (U.S. Pat. No. 6,324,571), Applicant first asserts that Hacherl does not disclose duplicated objects. However, as noted by Applicant, Examiner submits that Hacherl clearly teaches replicating data, which reads on the broad concept of duplicated objects as claimed. Although Applicant argues that such replicas cannot be considered "duplicated objects" as in the claimed invention since they are "simply data and not instructions", it is noted that the claims recite "a data object that contains data and that is duplicated". In other words, the claims explicitly define data objects as data, and furthermore does not recite the use of instructions as argued. Additionally, it is noted that instructions in this context could be broadly considered to be data, and the use of "instructions" in the context of the computing arts are clearly within the prior art, and thus would not define any novel aspect of invention.

11. Applicant further asserts that Hacherl does not teach establishing a duplicated object as a master object, the master object responsible for maintaining consistency between data in the duplicated objects as claimed. However, Examiner submits that Hacherl clearly discloses such a feature. Contrary to Applicant's assertion that "Hacherl discloses allocation of a single task to each of the servers, thus removing any notion of a 'master' role and distributing it over the network", Hacherl discloses precisely that a server could be designated a master, the attribute of which was then distributed over the network to other servers (see column 2, line 64 through column 3, line 19; column 8, lines 8-21). Furthermore, the master role was used in Hacherl to designate a task in which particular objects of the master server associated with the role were then

Art Unit: 2144

replicated to other servers (see column 10, line 62 through column 11, line 15), in effect designating data and objects on the master server as a source (i.e., "master") from which to duplicate data for other servers, which reads on the concept of a master object responsible to maintaining consistency between duplicated objects as claimed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph R. Maniwang whose telephone number is (571) 272-3928. The examiner can normally be reached on Mon-Fri 8:00-4:30.

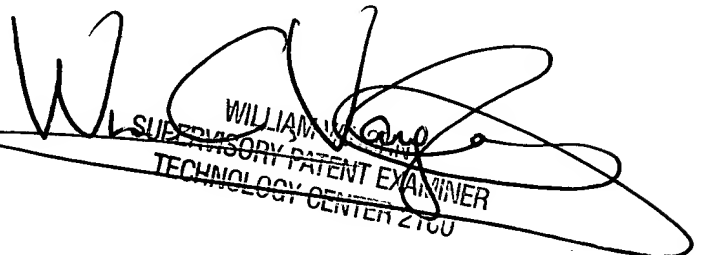
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone

Art Unit: 2144

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JM


WILLIAM M. GANS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100